

EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

JANUARY 13, 2020

1. Approval of minutes from the meeting held on December 23, 2019
2. Iowa Code §7D.10 – Page 1
TAB # 1
3. Special Counsel – Page 1
TAB # 2
4. Leases – Pages 1-2
5. Payment of Cost Items (1 of 2) – Page 2
6. Payment of Cost Items (2 of 2) – Page 2
7. Information Items – Page 2
TAB # 3

2. Iowa Code §7D.10

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$18,405.02.

TAB # 1

3. Special Counsel

- A. The Attorney General's Office requests retention of special counsel pursuant to Iowa Code section 13.7 to represent Iowa State University in *Speech First, Inc v Wintersteen*, Case No. 4:20-cv-2-SMR-SBJ, and provide counsel on related compliance matters.

Firm: Jenner & Block LLP
1099 New York Avenue NW, Suite 900
Washington, DC 2001

Rate: Specific rates on the matter will be identified in a separate engagement letter between Iowa State University and Jenner & Block LLP to be executed upon approval of this request. The Attorney General's Office recommends that all attorney fees and costs to be paid directly by Iowa State University.

TAB # 3

4. Leases

- A. Lease between DNR and Mark and Brenda J. Keniston
Date of Lease: November 1, 2019 to October 31, 2024
Legal Description: A tract of land approximately 4,000 square feet located in Government Lot 8 of Section 18, Township 96 North, Range 32 West of the 5th P.M., Palo Alto County, Iowa.
Purpose: Non-commercial Use
Annual Fee: \$300.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

- B. Lease between DNR and Philip R. and Brenda R Timmons
Date of Lease: December 1, 2019 to November 30, 2024
Legal Description: Dedicated public land approximately 40 feet in frontage by 6 feet in depth adjacent to the North 10' of Lot 11 and all of Lot 12 and South 11' of Lot 13, Block 35, Triboji Beach, Dickinson County, Iowa.
Purpose: Continued presence of a deck
Annual Fee: \$150.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

C. Lease between DNR and City of Marquette

Date of Lease: December 1, 2019 to November 30, 2024

Legal Description: Commencing at the Northwest Corner of Block 6 of the Town of Marquette, Clayton County, Iowa; thence N 90° 00' 00" E, 854.73 feet along the south line of North Street to the point of beginning; thence N 10° 35' 22" E, 31.09 feet along the approximate shore line of the Mississippi River; thence N 90° 00' 00" E, 70 feet thence S 00° 00' 00", 30 feet; thence N 90° 00' 00", 78.18 feet to the point of beginning. The South line of North Street in the Town of Marquette is assumed to bear N 90° 00' 00" E. The lease area includes approximately 2,222 square feet.

Purpose: Continued presence of a concrete observation deck

Annual Fee: \$300.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

5. **Payment of Cost Items (1 of 2)**

- A. Simmons Perrine Moyer Bergman PLC.....\$300.00
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52401
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Tobacco Settlement Authority.

6. **Payment of Cost Items (2 of 2)**

- A. Nyemaster Goode, P.C.....\$10,912.65
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

7. **Information Items**

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
TAB # 3

THOMAS J. MILLER
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-5191
Email: Eric.Tabor@ag.iowa.gov
www.iowaattorneygeneral.gov

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

January 8, 2020

Ms. Victoria Newton
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

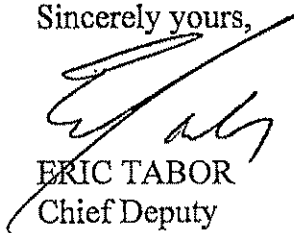
Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council "[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department." There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$18,405.02 for record review/report preparation (invoices enclosed).

Sincerely yours,



ERIC TABOR
Chief Deputy

Encl.

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5184 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

January 9, 2020

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Retention of Special Counsel

Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to represent Iowa State University (ISU), in *Speech First, Inc. v. Wintersteen*, Case No. 4:20-cv-2-SMR-SBJ, and to provide counsel on related compliance matters.

The *Speech First* case presents important issues relating to 1st Amendment protections within the context of a public university. Our office lacks the necessary resources to directly handle this matter. ISU has requested the law firm Jenner & Block LLP, 1099 New York Ave., NW, Suite 900, Washington, DC 20001 ("J&B") to serve as special counsel in this matter. J&B has an extensive litigation practice and has previously represented public universities in litigation involving the same legal issues. J&B has proposed to provide these services at a discounted rate. The specific rates and attorneys working on the matter will be identified in a separate engagement letter between ISU and J&B to be executed upon approval of this request.

Accordingly, our office recommends that Jenner & Block be approved as Special Counsel with all attorney fees and costs to be paid directly by ISU.

Sincerely,

JEFFREY S. THOMPSON
Solicitor General

EXECUTIVE COUNCIL
JAN 02 2021

STATUS OF STATE AID (Iowa Code 29C.20) NON-HSEMD ALLOCATIONS
Quarterly Update, 12/31/2019
Presented by Office of Treasurer of State

Job Number	Date of Event	Department	Type of Event	Original Allocation	Remaining State Liability
1944	08/28/2016	DNR	Flood damage at various Iowa State Parks	\$ 93,139.02	\$ 50,965.20
1973	05/27/2018	DNR	Severe storm damage at Clear Lake and Weidosh Woods State Parks in Curro Goode County	\$ 11,584.07	\$ 11,584.07
1983	06/03/2018	DNR	Fire damaged Pikes Peak Shelter in Dickinson County	\$ 15,000.00	\$ 15,000.00
1979	06/19/2018	DNR	Heavy rains caused flooding and damage at Doherty Memorial State Park	\$ 86,607.90	\$ 86,607.90
2010	06/21/2018	DNR	Heavy rains damaged multiple wildlife management areas	\$ 29,005.27	\$ 29,005.27
1922	07/19/2018	DHS	Damage to vehicles #2540, #2003 and #1438 by a tornado in Marshalltown	\$ 34,938.26	\$ 34,938.26
1980	09/19/2018	DNR	Heavy rains caused flooding and damage at Beets Lake State Park	\$ 16,850.00	\$ 16,850.00
2017	11/07/2018	DNR	Damage to the road crossings at Little Sioux Wildlife Management Area in Clay County	\$ 27,210.00	\$ 27,210.00
1970	12/11/2018	ICN	Damage to ICN cable due to erosion along Hwy 30 in Boone County	\$ 12,379.08	\$ 12,379.08
1981	02/22/2019	ICN	Damage to ICN cable due to erosion along I-60 Pottawattamie County	\$ 31,557.27	\$ 31,557.27
19AP	03/11/2019	DHS	Ice buildup caused roof damage and water infiltration at the Cherokee Mental Health Institute	\$ 9,916.00	\$ 9,916.00
1985	03/13/2019	ICN	Damage to ICN cable due to erosion along HWY 2 near Shenandoah	\$ 23,715.83	\$ 23,715.83
1991	03/14/2019	ICN	Damage to ICN cable due to erosion along HWY 34 in Allamakee County	\$ 40,236.36	\$ 40,236.36
2008	03/14/2019	DNR	Flood damage to George Wyin State Park in Black Hawk County	\$ 60,339.50	\$ 60,339.50
19AZ	03/15/2019	DNR	Flood damage at Balmert Lakes Summer State Park in Warren County	\$ 9,910.00	\$ 9,910.00
2020	03/27/2019	DNR	Damage sustained at Water Patrol Living Quarters at Templar State Recreation Area	\$ 19,500.00	\$ 19,500.00
19AG	04/12/2019	DHS	Wind damage to the roof at the Cranwell Building at the Independence Mental Health Institute	\$ 94,255.00	\$ 94,255.00
19AQ	04/19/2019	ICN	Damage to ICN cable due to excessive erosion along 150th St in Fayette County	\$ 13,577.61	\$ 13,577.61
19AR	04/30/2019	ICN	Damage to ICN cable due to excessive erosion along Hwy 20 in Webster County	\$ 20,706.12	\$ 20,706.12
19AT	06/13/2019	ICN	Damage to ICN cable due to excessive erosion along I-60 in Madison County	\$ 18,150.50	\$ 18,150.50
19AU	06/16/2019	DPS	Damage to vehicle #238 by a raccoon in Worth County	\$ 2,448.49	\$ 2,448.49
2026	05/19/2019	DHS	Equipment damage due to a storm and water infiltration at Targeted Case Management Office in Mason City	\$ 4,813.99	\$ 4,813.99
2021	05/23/2019	DNR	Storm damage to the Lift Station at Lake of Three Fires State Park in Taylor County	\$ 11,516.01	\$ 11,516.01
2005	05/24/2019	DNR	Heavy rain damaged Lake Dahling State Park in Washington County	\$ 24,620.00	\$ 24,620.00
19AV	05/30/2019	DNR	Flood damage to the main access road at Lacey Keosauqua State Park	\$ 14,000.00	\$ 14,000.00
19AW	05/31/2019	DNR	Flood damage to the Car Trail at Honey Creek Resort in Appanoose County	\$ 6,600.00	\$ 6,600.00
2007	06/05/2019	DAS	Damage to vehicle #1789 by hail	\$ 7,559.09	\$ 7,559.09
2018	06/05/2019	DNR	Hail Storm caused damage to various buildings at Lacey Keosauqua State Park in Van Buren County	\$ 84,218.00	\$ 84,218.00
198F	06/11/2019	DPS	Damage to vehicle #431 by a deer in Linn County	\$ 7,698.54	\$ 7,698.54
19AY	06/21/2019	DNR	Flood damage to Wilson Island State Recreation Area in Polk County	\$ 5,394.75	\$ 5,394.75
198I	06/22/2019	DAS	Water damage at the Hoover Building due to flooding	\$ 382,292.47	\$ 382,292.47
198J	06/22/2019	IA St.Paw	Roof damage from strong winds and a fallen tree to the Paddock	\$ 37,103.00	\$ 37,103.00
2011	06/23/2019	U of I	Excessive rain water damaged a building on Iowa Center for Higher Education Campus	\$ 15,624.32	\$ 15,624.32
2003	07/01/2019	ICN	Damage to ICN cable due to excessive erosion along Hwy 18 in Chickasaw County	\$ 22,828.15	\$ 22,828.15
2022	08/18/2019	DNR	Storm damage to the Lift Station Control Panel at Viking Lake State Park	\$ 4,576.08	\$ 4,576.08
2025	08/31/2019	DAS	Damage to vehicle #1782 by a deer	\$ 18,865.60	\$ 18,865.60
2027	09/05/2019	ICN	Damage to ICN cable due to excessive erosion along Hwy 30 in Clinton County	\$ 15,522.53	\$ 15,522.53
2023	09/17/2019	DNR	Heavy Rains and Winds caused washouts and uprooted trees at Pikes Peak State Park	\$ 8,000.00	\$ 8,000.00
2028	09/18/2019	ICN	Damage to ICN cable due to excessive erosion along 230th Street in Madison County	\$ 29,650.93	\$ 29,650.93
2024	09/19/2020	DNR	Duck and Kayak launch was lost due to flooding at Mines of Spain State Recreation Area	\$ 9,673.00	\$ 9,673.00
TOTALS				\$ 1,371,585.74	\$ 1,359,411.92